

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

Applicants believe that the above changes answer the Examiner's 35 U.S.C. 101 rejection of claim 15, and the Examiner's 35 U.S.C. 112, paragraph 2, rejection of claim 5, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1, 10, 12, 14 and 15 under 35 U.S.C. 012(e) as being anticipated by U.S. Patent 6,889,383 to Jarman. The Examiner has further rejected claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Jarman. In addition, the Examiner has rejected claims 5, 11 and 13 under 35 U.S.C. 103(a) as being unpatentable over Jarman in view of European Patent Application No. EP0919906 A2 to Imagawa et al. Finally, the Examiner has rejected claims 6-9 under 35 U.S.C. 103(a) as being unpatentable over Jarman in view of U.S. Patent 6,654,721 to Handelman.

The Jarman patent discloses delivery of navigation data for playback of audio and video content in which the nature of the content is detected and based on whether this nature corresponds to predefined conditions, controls the playing back of the audio and video content.

The subject invention relates to the rendering of signals by a media player under the control of a user. However, depending on the content of the signals being rendered by the media player,

the user may not wish other non-users entering the environment surrounding the media player to either see or hear. To that end, the subject invention, as claimed in claim 1, includes "determining at least one rule defining a predefined non-user event in an environment surrounding said media player, said rule including at least one condition and an action item to be performed to automatically adjust said media player when said at least one condition is satisfied", "analyzing input information characterizing a non-user event in the environment surrounding said media player to identify a current condition" and "performing said action item if said current condition corresponds to said at least one condition of said at least one rule".

Applicants submit that Jarman is not concerned with non-user activities in the environment surrounding the media player. As such, Jarman neither discloses nor suggests "determining at least one rule defining a predefined non-user event in an environment surrounding said media player", "analyzing input information characterizing a non-user event in the environment surrounding said media player to identify a current condition" and "performing said action item if said current condition corresponds to said at least one condition of said at least one rule".

The Examiner now states "Official Notice is taken that capturing audiovisual information comprised objects and/or characters in scenes by camera or camcorder is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system

of Jarman by capturing audiovisual information comprised objects and/or characters by camera or camcorder for purpose of providing video."

Applicants submit that the intent in Jarman is to control the rendering of the audio and video content based on the nature of the content, i.e., skipping to another section of the audio and video content if the currently displayed portion of the audio and video content correspond to predefined conditions. Applicants therefore believe that Jarman would then operate on the signals from the camera or camcorder as another signal source, that is, in the same manner as audio video content already contained in the apparatus, i.e., Jarman would control the displaying of this video content based on the nature of the currently being displayed portion of the content, i.e., skipping to another section of the content or stopping or muting the rendering of the content from the camera or camcorder.

The Imagawa et al. patent discloses a control method in which an apparatus controlled by the motion, position and conditions of a person, is able to distinguish a particular person associated with the apparatus from among a group of persons so that the apparatus may be controlled unambiguously.

Firstly, Applicants submit that since Jarman is not concerned at all with the environment surrounding the media player, and its operation is not related to the environment surrounding the media player, there is no incentive for combining the teachings of Imagawa et al. therein, except that any incentive could only have

come from the present invention which would be indicative of impermissible hindsight.

Furthermore, even if Jarman and Imagawa et al. were to be combined, the resulting combination would not render obvious the subject invention in that the purpose of Imagawa et al. is to ignore the activities of "non-users" and to only acknowledge the motions, positions and conditions of the user that is associated with the particular apparatus. In particular, motion by a non-user in the environment surrounding the apparatus of Jarman/Imagawa et al. would have no effect on the apparatus in that the media player would only respond to motion of the user associated thereto.

The Handelman patent discloses a voice activated communication system and program guide which uses voice identification and possibly video identification in order to ascertain whether operating voice signals should be accepted from that person.

Applicants submit, however, that the subject invention does not seek to surrender control of the media player to the non-user, but rather, to perform a predefined function if a non-user is detected to be in the environment surrounding the media player, this detection being based on movement, voice, image, etc.

In view of the above, Applicants believe that the subject invention, as claimed is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-15, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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